

Light Railways (Ireland) Bill.

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[Bill 261.]

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SCHEDULES.

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B I L L

TO

Facilitate the Construction of Light Railways in Ireland. A.D. 1889.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. This Act may be cited for all purposes as the Light Railways (Ireland) Act, 1889. Short title.

2.—(1.) This Act shall not extend to England or Scotland. Application

(2.) The Lord Lieutenant by Order in Council may from time to time declare that it is desirable that a light railway shall be constructed between certain places for the development of fisheries or other industries, but that owing to the circumstances of the district special assistance from the State is required for its construction, and declare that the provisions of Parts I. and II. of this Act shall be applicable to such light railway, and thereupon
10 the said provisions of this Act shall be applicable to a light railway between the said places; but the provisions of Parts I. and II. of this Act shall not apply except to a light railway specified in such an Order in Council as aforesaid. of Act.

PART I.

20 *Promotion by Railway Companies.*

3. This Part of this Act shall apply only where the promoters of the light railway are a railway company having a railway open for traffic. Application of Part I.

4.—(1.) If the report of the Board of Works made upon the inquiry directed by the ninth section of the Tramways (Ireland) Act, 1860, as altered by this Act, shall have approved of the undertaking with or without any modification thereof, the Treasury
25 [Bill 261.] Treasury agreements with and advances to railway companies.

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A.D. 1889. — may sanction such undertaking or any modification thereof of which they may approve and make an agreement with such railway company for the construction, maintenance, and working of the light railway upon such terms and conditions in all respects as to the execution of the undertaking and any contracts to be made therefor, or as to any other matter relating to the undertaking as the Treasury shall think fit. 5

(2.) The Treasury may, subject to the limitations as to amount in this Act contained, agree that the undertaking may be aided out of public money either by a capital sum or by an annual payment, or partly in one way and partly in another. 10

(3.) The capital sum may be a free grant or a loan, or partly one and partly the other.

(4.) A free grant or an annual payment shall be paid out of moneys provided by Parliament. 15

(5.) Any such loan shall be made by the Board of Works, under the directions of the Treasury, out of moneys at the disposal of such Board for local loans, and shall be advanced on such conditions and at such rate of interest as the Treasury may direct.

Order in
Council to
confirm
agreement.

5. Where such an agreement has been made by the Treasury with any railway company, the Order in Council which the Lord Lieutenant is authorised to make under the Tramways (Ireland) Acts as altered by this Act, may include, in addition to any provisions which it might have contained if this Act had not been passed, a confirmation of the agreement so made as aforesaid, but such Order shall only be made when the railway company establishes to the satisfaction of the Lord Lieutenant in Council that a copy of the proposed Order has been submitted to the proprietors of the railway company held specially for that purpose, as if such Order were a Bill promoted in Parliament by the railway company, and that all matters and things have been done and have happened, and all times have elapsed in which, if such Order were a Bill so promoted as aforesaid, should have been done and have happened and elapsed in order to constitute compliance with the Standing Orders of Parliament applicable to Bills promoted by railway companies for the like purposes to those referred to in this section. 20 25 30 35

Such Order in Council shall not take effect unless confirmed by Parliament if a petition against it is presented to the Lord Lieutenant in Council and the petitioner appears and proceeds therewith. 40

PART II.

A.D. 1889.

Promotion by others than Railway Companies.

6. This Part of this Act shall apply only where the promoters of a light railway are not a railway company. *Application of Part II.*

- 5 7. If the report of the Board of Works made upon the inquiry directed by the ninth section of the Tramways (Ireland) Act, 1880, as altered by this Act, shall have approved of the undertaking with or without any modification thereof, the promoters may apply to the Treasury for a guarantee for the undertaking altered in such
 10 respects, if any, as may have been recommended by the said report; and thereupon the Treasury, if they think fit, may sanction such undertaking or any modification thereof of which they may approve, and agree that in the event of an order being made by the Lord Lieutenant in Council authorising the making and maintaining
 15 of the light railway pursuant to the provisions of the Tramways (Ireland) Acts and this Act, and of the Treasury being satisfied as herein-after mentioned respecting the arrangements for the purchase of land, they will, subject to the limitation as to amount in this Act contained, give to the promoters such guarantee as is
 20 herein-after mentioned, and subsequently the Treasury may give the guarantee accordingly.

- 8.—(1.) When the Treasury have agreed to give such guarantee as aforesaid it shall be lawful for the promoters of any light railway in making application to the grand jury of any county
 25 under the provisions of the Tramways (Ireland) Acts, to propose that the barony or baronies in the county within the benefited district shall guarantee the payment of the amount, if any, by which the gross receipts of the light railway shall from time to time fall short of the expenses of its management, working, and
 30 maintenance, but not exceeding the amount of a rate of *sixpence*, or any fixed sum less than *sixpence*, in the power upon the net annual value for the time being of the several hereditaments and tenements within the benefited district in the county.

- (2.) The grand jury shall inquire into such proposal, and shall
 35 hear all persons interested, and may make a presentment to be submitted to the Lord Lieutenant in Council that such barony or baronies, or such portion or portions thereof as the grand jury may specify, shall become chargeable, in case in any half-year the

Application to grand jury.

A.D. 1859.

gross receipts of the light railway shall fall short of the expenses of its management, working, and maintenance, with the payment of such sum, limited in amount as aforesaid, as the grand jury shall determine.

(3.) The guarantee may not be limited by the presentment to 5 expire at a fixed period.

(4.) The guarantee may be conditional on the guarantee being given by the Treasury.

Assent of
occupiers in
benefited
district.

9. No such presentment shall be submitted to the Lord Lieutenant unless and until it obtains the assent of the occupiers of 10 the lands in the portion of each county within the benefited district upon which such amount as aforesaid is charged by such presentment, by a vote, which shall be taken in the manner and subject to the provisions hereby enacted:

- (1.) The persons qualified to vote shall be all persons appearing 15 in the grand jury applotment books as liable to pay grand jury cess in respect of the occupation of any rateable hereditament within the limits of such portion of the county.
- (2.) The Board of Works shall cause a vote of such persons to be taken by means of voting papers within a reasonable time 20 after the passing of such presentment.
- (3.) Before taking such vote the Board of Works shall publish throughout such portion of the county as aforesaid, by means of newspapers circulating in the several parts thereof, and by posting, in such manner as the Board of Works think best 25 calculated to give public information, notices of (a) the general nature of the proposed undertaking; (b) the purport and effect of such presentment; and (c) the nature and amount of the proposed charge.
- (4.) Voting papers shall be in such form and contain such 30 matters as shall from time to time in each case be settled or approved of by the Board of Works.
- (5.) The Board of Works may make regulations for the distribution and collection of the voting papers, and the verification and counting thereof, and for all other matters appearing 35 to them necessary or proper for taking such vote. Secretaries of grand juries and collectors of grand jury cess shall supply such information to the Board of Works for enabling them to take a vote as they may require. The Royal Irish Constabulary shall give such service and assistance to the Board of 40

Works in the distribution and collection of voting papers as the Inspector-General shall order. A.D. 1859.

(6.) If any person knowingly and fraudulently tenders a vote which he is not entitled to give, or forges, falsifies, or knowingly and fraudulently alters after signature any voting paper, or knowingly tenders or forwards any such voting paper forged, falsified, or altered as aforesaid, or without lawful reason suppresses, carries off, destroys, or defaces any voting paper after it has been issued to a voter, he shall be guilty of an offence, and may be prosecuted in a summary manner, and shall on conviction be liable to a penalty not exceeding *twenty pounds*, or to imprisonment with or without hard labour for a term not exceeding *three months*.

(7.) The decision of the Board of Works as to the right of any person to vote, as to the validity of any voting paper, and as to the result of the voting shall be final; and a certificate purporting to be under their common seal shall be conclusive evidence of the result of the voting.

(8.) The vote shall not be invalid by reason of any error, or omission, or thing done, in or about the taking of it, unless the Board of Works think it expedient to quash the vote by reason thereof and to proceed to a fresh vote.

The costs and expenses of and relating to the taking of the vote shall be ascertained and determined by the Board of Works, and a reasonable sum, to be fixed by the said Board, to cover such costs and expenses, shall be deposited by the promoters with the said Board before they shall be obliged to take such vote.

10. If, on the total vote so given as aforesaid by the entire of the benefited district, there is a majority of the persons entitled to vote and actually voting in favour of the presentment or presentments, as the case may be, passed by the grand jury of the county or grand juries of the counties within which the benefited district is situated, then the Lord Lieutenant in Council shall settle and make an Order in Council authorising the making and maintaining of the light railway, subject and according to the provisions of the Tramways (Ireland) Acts as altered by this Act, by the promoters, in such manner, subject to such provisions, and on such terms and conditions, as shall be therein specified.

11. Every such Order in Council—

(1.) shall contain all such provisions as may be necessary for securing that the light railway shall be completed and shall

On assent of occupiers Lord Lieutenant in Council to make order.

Contents of Order in Council.

A.D. 1889.

be maintained in good order and condition, and shall be efficiently worked by the promoters, and such provisions, if any, for the giving of security by the promoters for the performance of any provisions contained in the said Order as the Lord Lieutenant in Council shall think proper; and 5

(2.) shall contain such provisions with reference to the inspection of the works by the engineer of the Board of Works, the keeping and audit of accounts, the keeping of books, documents, and vouchers, and their submission to the auditor to be appointed by the Board of Trade as the Lord Lieutenant in 10 Council shall think proper; and

(3.) shall fix the number of the directors of the company, but so that the Treasury and the benefited district respectively shall be represented by an equal number of such directors (who shall together amount to one-half of the entire number fixed), 15 and shall provide for the nomination of such directors by the Treasury and the benefited district respectively.

Limit on
capital to be
guaranteed
by Treasury.

12. Before any such Order in Council is made, the Board of Works shall furnish to the Lord Lieutenant an estimate of the amount of capital which will be necessary for the purposes of the 20 undertaking, distinguishing the amount required for the cost of construction, inclusive of a reasonable sum for the expenses of promotion and the constitution of the promoters, from the amount required for working the light railway, that is to say, for the rolling stock or otherwise for the proper working of the light 25 railway; and the Lord Lieutenant in Council shall, having regard to such estimate and to such representations as may be made by the promoters, fix a limit upon the amount of the capital upon which the guarantee by the Treasury may be given, and in so fixing it, shall not take for the working capital a sum exceeding 30 one-third part of the amount taken for the cost of construction.

Appointment
of engineers
by Board of
Works.

13. The Board of Works shall, with the consent of the Treasury as to number, appoint an engineer or engineers who shall discharge the several duties following; that is to say,

23 & 24 Vict.
c. 152.

(1.) For the purposes of the inquiry directed by the ninth 35 section of the Tramways (Ireland) Act, 1880, as altered by this Act, make all such examinations into and reports upon the proposed undertaking as the Board of Works may think fit: and

(2.) From time to time during the construction of the line 40 and after its opening for traffic inspect the same and

make a report from time to time in reference to any matter connected with such construction or working or the maintenance of the line as the engineer may think fit, or as the Board of Works may direct. A.D. 1889.

- 5 The remuneration and expenses of any engineer so appointed shall be taken to be part of the expenses of the construction or of the working of the line as the case may require :

Provided that nothing in this section contained shall in any manner repeal or affect the provisions of the second section of the Act of the Session of the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, chapter one hundred and fourteen, intitled, "An Act to amend the Tramways (Ireland) Acts, 1860 and 1861," in reference to a tramway being inspected and certified by an engineer to be appointed by the Board of Trade, or any powers or jurisdiction of the Board of Trade, or any person appointed by them under the provisions of the Regulation of Railways Acts, 1840 to 1871. 84 & 85 Vict.
c. 114.

14. (1).—The Board of Works shall from time to time as may be necessary inquire into and determine and certify (a) the amount which, in fact, has been properly expended on the construction of the light railway, inclusive of the expenses of promotion and the constitution of the promoters, and (b) the amount which is properly required for working capital, distinguishing the amount which, in fact, has been properly expended for rolling stock from the amount which is otherwise required for the proper working of the light railway : Certificate of Board of Works as to capital and giving of guarantee by Treasury on capital so certified.

Provided that the amount of working capital shall not exceed one third of the amount of capital certified to have been properly expended on construction.

- 30 (2.) *The guarantee to be given by the Treasury shall be given in such manner and form as the Treasury may from time to time think fit, and shall be a guarantee to pay the promoters by equal half-yearly payments an annual sum equivalent to three per centum per annum upon the amount of capital for the time being certified by the Board of Works as aforesaid.*

(3.) The annual sum payable in respect of any capital shall commence at the beginning of the three months next preceeding the date of the certificate.

- 40 (4.) *Every such payment shall be made out of moneys provided by Parliament.*

15. The secretary of the grand jury of each county comprising any part of the benefited district, on receiving from the auditor appointed by the Board of Trade the certificates of the several Certificate of sums payable by benefited district.

A.D. 1889. matters determined by him pursuant to this Act, shall, in sufficient time before each assizes, make out a certificate of the amount, if any, which shall be payable by each barony, or part of a barony, under the guarantee by the benefited district, and shall lay such certificate before the grand jury of the county at the assizes; and the grand jury are hereby required, from time to time, and without application to presentment sessions, to present the sum mentioned in such certificate as payable by any barony, or part of a barony, together with the costs and expenses of levying the same, to be raised and levied in like manner as any presentment made under the authority of an Act passed in the session of the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, intituled "An Act to consolidate and amend the laws relating the presentment of public money by grand juries in Ireland," and any Act amending the same; and if the grand jury fail to present the sum, or any part thereof, contained in any such certificate, together with the costs and expenses of levying the same, the secretary of the grand jury of the county shall insert such sum, or such omitted part thereof, together with the costs and expenses of levying the same, in his warrant for raising the moneys presented at the same assizes, as if such sum had been duly presented by the grand jury to be raised and levied in manner herein-before mentioned, and the same shall be raised and levied accordingly as if the same had been so presented, and the county treasurer shall pay over the amount, when received by him to the promoters, as if such money had been presented by the grand jury.

Application
of net
receipts.

16.—(1.) The net receipts from the light railway shall be applied and paid half-yearly as follows: one moiety thereof shall be paid to the Treasury and the other moiety thereof shall be paid to the promoters.

(2.) Any sum payable to the Treasury under this section shall in the first instance be applied in reduction of the amount payable by the Treasury to the promoters in respect of a guarantee under this Act.

Application
of county
guarantee.

17. Any money paid by the benefited district in respect of any half-year under their guarantee shall be applied in payment of the amount by which for such half-year the gross receipts of the light railway fall short of the expenses of its management, working, and maintenance.

Accounts
and audit.

18. Reports and accounts of the light railway shall be made out half-yearly up to the thirtieth day of April and thirty-first day of

October in each year, and such accounts shall be forthwith audited by some fit and proper person appointed as auditor by the Board of Trade, who shall have power to inspect the books, accounts, and vouchers of the light railway.

A.D. 1889.

Ascertain-
ment of
receipts, and
payments by
barony.

- 5 19. For the purpose of ascertaining the gross receipts and the net receipts respectively from the light railway, and the sum, if any, which any barony shall pay in any half-year as provided by the Order in Council, and for the other purposes mentioned in this Part of this Act, the said auditor shall from time to time ascertain and determine the amount of the gross receipts and of the net receipts, if any, in respect of the light railway in each half-year, and also any other matters which it may appear necessary to him to inquire into and determine upon in order to ascertain the amount, if any, by which the gross receipts fall short of the expenses of the management, working, and maintenance of the line, and shall thereupon determine such several amounts; and the said auditor shall set forth the several matters so determined by him in certificates, under his hand, and such certificates shall be in all respects binding on the grand jury, the benefited district, and the promoters; and a copy of every such certificate shall be delivered by the said auditor to the promoters, and the secretary of the grand jury of each county within the benefited district, and the promoters shall immediately thereon pay to the auditor his costs and expenses, and such remuneration for his trouble in regard to such inquiry and to the audit hereto-before mentioned as the Board of Trade shall order.

Report of
county sur-
veyor.

20. Notwithstanding the provisions of the fifth section of the Tramways (Ireland) Act, 1860, it shall not be necessary for the county surveyor to make any report to the grand jury on the undertaking, or to deliver a copy thereof to the promoters, or for the grand jury to take into consideration any such report; but the county surveyor is hereby required to make a report to the grand jury as regards the manner in which the roads in the county will be affected by the undertaking, and to deliver a copy thereof to the promoters and the Board of Works three clear days at least before the holding of the inquiry directed by the ninth section of the Tramways (Ireland) Act, 1860, as altered by this Part of this Act.

23 & 24 Viet.
c. 152.

- 21.—(1.) If in any half year the gross receipts of the light railway fall short of the expenses of its management, working and maintenance by more than the amount of the rate in the pound guaranteed by the benefited district as aforesaid, it shall be lawful for the

Increase of
guarantee
by benefited
district.

A.D. 1889.

promoters to apply for an increase of the original guarantee given by the benefited district.

(2.) The application shall be made in such manner, and with such notice, and within such time, as shall be prescribed, and shall be submitted to a vote of the occupiers of the lands in the portion of each county within the benefited district, which vote shall be taken of the persons, and in the manner, and shall be subject to the provisions herein-before enacted in reference to the vote of such occupiers upon the presentment of the grand jury, or as near thereto as circumstances will permit.

(3.) The costs and expenses of and relating to the taking of the said vote shall be ascertained and determined by the Board of Works, and a reasonable sum to be fixed by the said Board to cover such costs and expenses shall be deposited by the promoters with the said Board before they shall be obliged to take such vote.

Assent of voters.

22. If, on the total vote so given by the entire of the benefited district, there is a majority of the persons entitled to vote and actually voting in favour of giving the increased guarantee the benefited district shall become chargeable with the payment of the amount thereof, and the amount shall be charged in the same way, payable at the same times, levied in the same manner, and applied to the same purposes, as the amount of the original guarantee given by the benefited district.

Dissent of voters.

23. If, on the total vote so given by the entire of the benefited district, there is not a majority of the persons entitled to vote and actually voting in favour of giving the increased guarantee, then, upon such certificate being given by the Board of Works of the result of the voting as is herein-before mentioned, the undertaking and all the lands, rolling stock, and other property of the company connected with the undertaking shall vest in and become the property of the Board of Works, subject to any liabilities then affecting such undertaking or property; and the Board of Works may, with the sanction of the Treasury, sell, or lease, or otherwise dispose of the same, or, with such sanction, work the line and apply the receipts, under the direction of the Treasury, towards the expenses of working the line and the payments made by the Treasury under their guarantee in respect of the line, and subject as aforesaid, pay the same into the Exchequer.

The expenses of so working the line so far as not paid out of the receipts shall be paid out of moneys provided by Parliament.

24. If at any time after a light railway has been opened for traffic its working shall be abandoned, the Board of Works upon such inquiry, if any, as they may think fit, may make an Order under their common seal declaring that the working of the light railway has been abandoned; and the said Order shall be conclusive and binding upon all persons, and thereupon the same consequences in all respects shall ensue as it is herein-before enacted shall ensue upon such certificate as is herein-before mentioned being given of the result of the voting when there is not a majority of the persons voting in favour of giving an increased guarantee.

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Abandonment of working.

25. From and after the vesting of an undertaking in the Board of Works in either of the events herein-before mentioned a sum equivalent to the amount of the rate in the pound upon the net annual value for the time being of the several hereditaments and tenements within the benefited district by which the original guarantee given by such district was limited shall become and be chargeable and charged thereon, instead of the amount of the guarantee given by such district under the provisions herein-before contained; and upon the certificate of the said Board under their common seal that any sum in respect of the said sum so chargeable and charged as aforesaid is due from any county or part of any county being sent to the secretary of the grand jury of such county, such grand jury shall at the next assizes, without any previous proceeding at any presentment sessions, present such sum, or, in default thereof, the judge of assize shall order such sum to be raised, which order shall have the force of a presentment, and such sum shall be apportioned and raised and levied accordingly as if the same had been inserted on a presentment duly made at such assizes; and every sum raised in pursuance of this section shall be paid into the Bank of Ireland to the account of the Board of Works, and shall, if the Treasury so direct, be applied as an appropriation in aid of the expenses of working the line and of the payments made by the Treasury under their guarantee in respect of the line, and so far as the same is not so applied, shall be paid into the Exchequer.

Charge on benefited district on vesting of undertaking in Board of Works.

26. The enactments specified in the First Schedule to this Act shall not apply in the case of any light railway to which the provisions of this Part of this Act are applicable.

Enactments not to apply.

A.D. 1890.

PART III.

Amendments of existing Law.

Varying
time, &c. of
advertisements, &c.

27. Subject to the provisions of this Act the Lord Lieutenant, by Order in Council, may from time to time alter and vary the nature, number, and contents of the advertisements, maps, plans, 5 books of reference, memorials, notices, and other documents, and the time, place, and manner of publishing, depositing, giving, or serving the same respectively, which are appointed by the Tramways (Ireland) Acts.

Proof of
compliance
with pre-
liminary
inquiries.
28 & 29 Vict.
c. 60.

28. From and after the passing of this Act the inquiry, whether 10 or not the requirements contained in the enactments of sections one to four (inclusive) of the Tramways (Ireland) Act, 1860, as amended by any subsequent enactments, have been complied with, shall be made by the clerk of the Privy Council before the grand jury shall proceed to inquire into the merits of the undertaking. 15

Proof that such requirements have been complied with shall be given by affidavit, to be lodged within the prescribed time and in the prescribed manner. Any person interested in contending that such requirements have not been complied with may, within the prescribed time and in the prescribed manner, lodge a memorial 20 complaining of non-compliance in some particular, specifically stated in such memorial, and the same shall be verified by affidavit. The clerk of the Privy Council shall thereupon have power to take further evidence, if he shall think it necessary, in such manner as shall be prescribed, and shall inquire and determine whether or 25 not such requirements have been complied with, and shall give to the promoters a certificate under his hand of the result of such inquiry, which shall be conclusive evidence of the matters therein stated.

Power to
grand jury
to dispense
with com-
pliance.

29. In any case in which any of such requirements as aforesaid 30 have not been fully or strictly complied with, the grand jury may, in any case in which they shall be of opinion that no injustice or wrong has by reason thereof been occasioned to any person, dispense with such compliance on such conditions, if any, as they may think fit, and proceed to inquire into the merits of the under- 35 taking in the same manner as if all such requirements had been fully and strictly complied with.

30. The Order made by the Lord Lieutenant in Council authorising the making and maintaining a light railway (hereinafter called the "original Order in Council")

A.D. 1889.
Provisions
of Order in
Council.

(1.) May empower the promoters (in this section referred to as the company) to agree with any other railway company or light railway company, with respect to all or any of the following purposes; namely—

(a.) The maintenance and management of the railways of the companies respectively or either of them, or any part thereof respectively, and of the works connected therewith respectively or any of them;

(b.) The use and working of the railways or railway or of any part thereof, and the conveyance of traffic thereon;

(c.) The fixing, collecting, and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of traffic:

(2.) May provide that the forty-second and forty-third sections of the Tramways (Ireland) Act, 1880, or either of them, shall not apply to such light railway:

23 & 24 Vict.
c. 102.

(3.) May alter the presentment passed by the grand jury in respect of any matter which shall appear to the Lord Lieutenant in Council to be a technical error, or not to involve an alteration in the substance of the presentment.

(4.) May in any case in which the Lord Lieutenant in Council shall refuse to confirm the presentment passed by the grand jury, declare that the promoters shall, upon such conditions, if any, as shall be specified in the Order, make a new application to the grand jury for a presentment amended in such respects, and at such time, as shall be specified by the Order, and for such purpose may dispense with compliance with such of the requirements of the Tramways (Ireland) Acts, preliminary to the application for a presentment under the said Acts as may seem fit.

The Lord Lieutenant may, by any subsequent Order in Council, in the case of any light railway, whether constructed before or after the passing of this Act, empower the company to agree with any other railway company or light railway company with respect to all or any of the purposes above specified.

31. For the purpose of ascertaining the gross receipts and the net receipts from any tramway constructed under the provisions of the Tramways and Public Companies (Ireland) Act, 1883, and the sums (if any) which any barony shall pay in any half year as provided by the original Order in Council, and for the other

Amount to
be paid by
baronies.
45 & 47 Vict.
c. 48.

A.D. 1889. — purposes mentioned in the said Act, an auditor appointed by the Board of Trade shall, *from and after the passing of this Act*, from time to time, during the continuance of the guarantee, ascertain and determine the amount of the gross receipts and of the net receipts, if any, as prescribed by the said Act in respect of the tramway in each half year, and also any other matters which it may appear necessary to him to inquire into and determine upon in order to ascertain the amount which may be applicable out of the receipts of the undertaking to the payment of the guaranteed dividend, and the amount, if any, which the guaranteeing baronies are liable to contribute towards the expenses of maintaining or working the undertaking, and the amount, if any, payable to the treasurer of the county under the said Act, and shall thereupon apportion and determine the amount of such half-yearly sums, if any, to be paid by the baronies liable to pay the same or by the promoters, and the said auditor shall set forth the several matters so determined by him in certificates under his hand, and such certificates shall be in all respects binding on the grand jury, and the baronies, and the promoters; and immediately after the delivery of such certificates to the secretary of the grand jury of the county, the baronies, or the promoters, as the case may be, shall be liable as in the said Act provided for the payment of such sums as shall be specified in such certificates, and a copy of every such certificate shall be delivered to the promoters.

The said auditor shall from time to time deliver the certificates herein-before directed to be prepared by him to the secretary of the grand jury of the county to which the guaranteeing barony or baronies belong, and thereupon the same obligations, liabilities, and consequences in all respects shall ensue as by the seventh section of the Tramways and Public Companies (Ireland) Act, 1883, are enacted to ensue upon the delivery of the certificates therein mentioned to the secretary of such grand jury.

Power to
authorize
increase of
capital.

32. At any time after a light railway has been opened for traffic the Lord Lieutenant, by Order in Council, may authorize the promoters to increase, in such manner as shall be specified in the Order, the amount of their capital to a fixed amount beyond that mentioned in the original Order in Council.

Provided always that—

46 & 47 Vict.
c. 43.

(1.) Where the company is one which has obtained a guarantee from the Treasury under the provisions of the Tramways and Public Companies (Ireland) Act, 1883, or Part II. of this Act, no such Order shall be applied for without the consent of the Treasury having been previously obtained.

(2.) Where the company is one which has obtained a guarantee from any barony or baronies under the provisions of the Tramways and Public Companies (Ireland) Act, 1883, it shall be necessary for the promoters to obtain a guarantee for the payment of dividends upon the amount of such increase of capital. Such application shall be made at such time and in such manner as shall be prescribed, and if and so far as there shall be no general rules made under this Act in reference thereto, at such time and in such manner as is provided by the Tramways and Public Companies (Ireland) Act, 1883.

A.D. 1849.

46 & 47 Vict.
c. 43.

(3.) *Where an Order in Council authorises an increase of capital as aforesaid, the Treasury may give the like guarantee or pay the like proportion of the baronial guarantee, as the case may be, as if the said capital had been part of the amount of capital mentioned in the original Order in Council.*

46 & 47 Vict.
c. 43.

33. Every light railway constructed *after the passing of this Act* shall be constructed either on the gauge of five feet three inches or on the gauge of three feet, as may be fixed by the original Order in Council.

Gauge.

34. Whenever and so often *after the passing of this Act* as the amount of the half-yearly sum which any guaranteeing barony shall be liable, under the Tramways and Public Companies Act, 1883, to contribute towards the guaranteed dividend, has been ascertained in the manner by this Act directed, the Treasury may, notwithstanding anything contained in the ninth section of the said Act, so long as the tramway is maintained in working order and carries traffic, *authorise the Board of Works, out of any moneys provided by Parliament, to pay to the treasurer of the county forthwith, to be put by him to the account of the barony, the amount which the Treasury would, but for this section, have been bound subsequently to pay to him under the said Act; but no such payment shall in any manner affect the ultimate liability of the barony, and every such payment shall be without prejudice to the right of the Treasury for the purpose of their being reimbursed such payment to withhold payment of any amount which they shall subsequently be bound to pay to the treasurer of the county under the said Act, in the event of such liability of the barony not being discharged.*

Immediate
payment of
Treasury
guarantee.
46 & 47 Vict.
c. 43.

35. The provisions of sections one to five, inclusive, of the Railway Companies Act, 1867, shall apply to every company the dividends or interest upon any portion of whose share capital is guaranteed under the provisions of the Tramways and Public Companies (Ireland) Act, 1883, and to every company to whom

Appointment
of receiver
under
30 & 31 Vict.
c. 127.
46 & 47 Vict.
c. 43.

A.D. 1889. — any guarantee is given by the Treasury under the provisions of this Act.

Application of Railway and Canal Traffic Act. 36. In addition to the Acts specified in Schedule (C.) to the Tramways (Ireland) Act, 1860, the enactments specified in the Second Schedule to this Act, shall, so far as circumstances will admit, and so far as those enactments are not inconsistent with the Tramways (Ireland) Act, or this Act, apply to light railways; and for the purposes of the said enactments a light railway shall be deemed to be a railway.

Who may become promoters. 37. Any persons, whether incorporated as a joint stock company or not, and any railway company, may become the promoters of a light railway: Provided that where such promoters are a railway company, the original Order in Council shall not in any manner be binding upon or affect the interests of the proprietors of the railway company unless and until a Provisional Order shall be made by the Lord Lieutenant in Council declaring that such proprietors shall be bound thereby; but such Provisional Order shall only be made when the railway company establishes to the satisfaction of the Lord Lieutenant in Council that a copy of the original Order in Council has been submitted to the proprietors of the railway company at a meeting held specially for that purpose as if such Order were a Bill promoted in Parliament by the railway company, and that all matters and things have been done and have happened, and all times have elapsed, which if such Order were a Bill so promoted as aforesaid should have been done and have happened and elapsed in order to constitute compliance with the standing orders of Parliament applicable to Bills promoted by railway companies for the like purposes to those referred to in this section.

Such Provisional Order shall not take effect unless confirmed by Parliament, if a petition against it is presented to the Lord Lieutenant in Council, and the petitioner appears and proceeds therewith.

Orders in Council already sanctioned. 38. Every original Order in Council sanctioned but not taken out before the passing of this Act shall be taken out and completed by the promoters on or before the thirty-first day of December one thousand eight hundred and ninety; and any such Order not taken out and completed by that date, shall then become of no effect, and shall not afterwards be completed or issued.

Application of Part IV. of Act. 39. Where application for a presentment for the purpose of a light railway has been made at the summer assizes one thousand eight hundred and eighty-nine this Part of this Act shall, so far as applicable, extend to such railway.

PART IV.

A.D. 1899.

Miscellaneous.

40.—(1.) The Treasury shall not undertake, in pursuance of this Act, to pay in the aggregate a sum exceeding twenty thousand pounds a year in addition to the residue, if any, for the time being remaining unappropriated of the sum of forty thousand pounds a year mentioned in the sixth section of the Tramways and Public Companies (Ireland) Act, 1883.

Limit of Treasury aid.

46 & 47 Vict. c. 43.

(2.) Any aid given in pursuance of Part I. of this Act by any capital sum or sums shall not exceed in the aggregate the sum of six hundred thousand pounds or such less sum as herein-after mentioned.

(3.) The annual amount which the Treasury are authorised to pay by virtue of this Act shall be reduced by an annual sum equal to three per cent. per annum on the amount of any aid given in pursuance of Part I. of this Act by a capital sum, whether by a free grant or a loan.

(4.) If the Treasury undertake to pay any annual sum or sums under the Tramways and Public Companies (Ireland) Act, 1883, and this Act in excess of forty-two thousand pounds a year, the amount of the aid which may be given under Part I. of this Act by a capital sum shall be diminished by such sum as with interest at the rate of three per cent. per annum, would produce the amount of such excess.

(5.) No aid or guarantee shall be given by the Treasury by virtue of this Act in the case of any undertaking unless the Treasury are satisfied that arrangements have been made for the purchase at a reasonable price of the land required for the purpose of the undertaking, and any notice to treat, or other proceeding for the purchase of land, may be made conditional upon the Treasury being satisfied by the arrangements made, and giving the aid or guarantee.

41. In the case of any light railway to which the provisions of Parts I. and II. of this Act shall be applicable, the following modifications of the provisions of the Tramways and Public Companies (Ireland) Act, 1880, shall be made—

Modifications of 23 & 24 Vict. c. 132.

(a.) The first regulation contained in Schedule (A) to the said Act, Part I., shall be read and construed as if after the words "purchase of lands" there were added the words and figure following, that is to say:—

"(5.) The several parishes, townlands, and baronies in every county constituting the district proposed as the benefited

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C 2

A.D. 1889.

district and the nature of the guarantee which is to be applied for from such district."

- (d.) The first regulation contained in Schedule (A) to the said Act, Part V., shall be read and construed as if after the words "neighbourhood of the proposed tramway" there were added the words and figures following, that is to say :—

"(6.) The propriety of the amount fixed as the nominal capital for the construction of the light railway, and the amount of paid up capital which will be necessary for the purposes of the undertaking, and also the amount of capital which will be necessary as a provision for working capital.

"(7.) The propriety of the extent of the district proposed as the benefited district and any modification therein which may appear expedient.

"(8.) The merits of the proposed light railway in all points of view as compared with any other light railway which might be constructed opening up communication through the same district as the proposed line.

- (e.) The inquiry directed by the ninth section of the Tramways (Ireland) Act, 1860, as altered by this part of this Act, shall take place before any such application is made to the Treasury as herein-before is mentioned, and for the purpose of such inquiry and of enabling them to make their report thereon the Board of Works may obtain and use the assistance of such persons, with the consent of the Treasury as to number, skilled in the subjects of the inquiry as the Board of Works may consider necessary.

Regulations
as to pur-
chase of land.
23 & 24 Vict.
c. 152.

42. Notwithstanding anything in the Tramways (Ireland) Act, 1860, if no agreement is come to as to the amount of any purchase money or compensation to be paid by the promoters to any person, the amount thereof shall, if the amount claimed shall exceed fifty pounds, be settled by arbitration in manner provided in sections twenty-five to thirty-seven, both included, of the Lands Clauses Consolidation Act, 1845, and not otherwise.

5 & 9 Vict.
c. 18.

Preparation
and audit
of accounts
of expen-
diture under
the Act.
45 & 47 Vict.
c. 43.

43. The Board of Works shall, at the end of each financial year in which any part of any sum issued under the Tramways and Public Companies (Ireland) Act, 1883, or under this Act (in this section referred to as the said Acts) out of the Exchequer, or out of money applicable for local loans is expended, make up such accounts as may be required by the Treasury of the money issued

from the Exchequer, or out of money applicable for local loans, which has been expended in pursuance of the said Acts and the purposes for which it was expended, and the mode in which the money was provided. A.D. 1889.

- 5 44. The Lord Lieutenant in Council by order may from time to time make such general rules as may seem fit for giving notice by advertisement of Orders in Council made under the provisions of this Act, and for fixing the period within which all or any of the steps or proceedings under Parts I. and II. of this Act shall be
10 takes, and for all the several matters in this Act mentioned as prescribed and otherwise for carrying into effect the objects of this Act, and from time to time revoke or alter and amend any such rules, and make new rules instead thereof for all or any of the purposes aforesaid; but no such rules shall have any effect until
15 the expiration of one month after the same shall have been published in the "Dublin Gazette," and laid before both Houses of Parliament.

General
rules.

45. In this Act, unless there is something inconsistent in the context—
20 The expression "the Tramways (Ireland) Acts" has the same meaning as in the Tramways and Public Companies (Ireland) Act, 1883, and also includes the said Act.

Interpreta-
tion clause.

- The expression "light railway" includes tramway as that word is used in the Tramways (Ireland) Acts.
25 The expression "promoters" means the persons or company intending to apply under the Tramways (Ireland) Acts or this Act for authority to make and maintain a light railway, and includes any persons or company having obtained such authority.

- The expression "benefited district" means the barony or baronies
30 which, as deriving benefit from the construction of a light railway, gives or give such guarantee as in Part II. of this Act is mentioned.

- The word "prescribed" means prescribed by general rules made under this Act.

- All other words and expressions in this Act which are not
35 thereby defined or explained, and are defined or explained in any of the Tramways (Ireland) Acts, have, unless there is something inconsistent in the context, the same meaning as in the last-mentioned Acts, and the said Acts as varied by this Act, and this Act shall, so far as is consistent with the tenor thereof, be read
40 together and construed as one Act.

A.D. 1889.

Repeal.

46.—(1.) The several enactments specified in the Third Schedule to this Act are hereby repealed, from and after the commencement of this Act, to the extent specified in the third column of that Schedule.

- (2.) This repeal shall not affect—
- (a) the past operation of any enactment hereby repealed or anything duly done or suffered under any enactment hereby repealed; or
 - (b) any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or
 - (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
 - (d) Any proceeding duly instituted under any enactment hereby repealed; or
 - (e) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding, or remedy may be instituted, carried on, and enforced as if this Act had not passed.

SCHEDULES.

A.D. 1889.

FIRST SCHEDULE.

ENACTMENTS NOT TO APPLY IN PART II.

	Short Title.	Session and Chapter.	Portion of Act.
5	The Tramways (Ireland) Amendment Act, 1861.	24 & 25 Vict. c. 102.	- Section seven.
10	The Tramways and Public Companies (Ireland) Act, 1883.	46 & 47 Vict. c. 43.	- Sections one and two, sections four to seven (both inclusive), and sections nine and ten.

SECOND SCHEDULE.

ENACTMENTS RELATING TO RAILWAYS MADE APPLICABLE TO LIGHT RAILWAYS.

	Short Title.	Session and Chapter.	Portion of Act.
15	The Regulation of Railways Act, 1873.	36 & 37 Vict. c. 48.	- The whole Act.
	The Railway and Canal Traffic Act, 1868.	31 & 32 Vict. c. 25.	- The whole Act.

THIRD SCHEDULE.

20 ENACTMENTS REPEALED.

	Short Title.	Session and Chapter.	Portion of Act.
25	The Tramways (Ireland) Act, 1860.	23 & 24 Vict. c. 162.	- Section five from "inquire" whether "to" and shall "then" both inclusive, and section twenty-four, so far as relates to the gauge on which a tramway shall be constructed.
30	The Tramways and Public Companies (Ireland) Act 1863.	45 & 47 Vict. c. 43.	- Section six and section twenty-three, sub-sections three and five.

